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# Special Minimum Lot Size Block Instructions

According to

Section 42-197 of Chapter 42 of the Code of Ordinances



PLANNING &  
DEVELOPMENT  
DEPARTMENT

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*This packet includes:*

- a **Special Minimum Lot Size Block (SMLSB) Application**
- a blank **Petition** to be signed by applicant
- a blank **Evidence of Support** from property owners within the boundary,
- a blank **Deed Restriction Statement**,
- a sample **Minimum Lot Size Calculation**
- a sample **Notification Sign**
- a sample **map**

In order to qualify as a SMLSB, an area must:

- contain at least 1 blockface, but not more than two opposing blockfaces;
- contain all lots on each blockface;
- form a contiguous area;
- have at least 60% of the lots developed for or restricted to single-family use (exclusive of land used for a park, library, place of worship, or school); and
- contain at least one lot that does not have a minimum lot size established by deed restrictions.

**An applicant must meet with City staff prior to submitting an application.** A complete application must include all items required as submittal requirements on the application. A complete application package must be mailed or hand-delivered during standard business hours to:

**Planning and Development Department, Community Sustainability Division**

**Attn: Kevin Calfee**

**611 Walker, 6th Floor**

**Houston, TX 77002**

In order for the City Council to designate a SMLSB, it must determine:

- the area has identifiable lot-size character;
- that by establishing the Special Minimum Lot Size Block, the identifiable lot-size character of the area will be preserved;
- there is sufficient support by the property owners; and
- the application meets the Submittal Requirement identified by Item 4 on the application and the minimum eligibility criteria identified above.

Contact Kevin Calfee at (832) 393-6600 or [Kevin.Calfee@houstontx.gov](mailto:Kevin.Calfee@houstontx.gov) with any questions or to schedule a meeting prior to submitting an application. More information can be found on [www.houstonplanning.com](http://www.houstonplanning.com).

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# Special Minimum Lot Size Block Application Steps

## **Step 1: Meet with Staff of the Planning & Development Department**

The applicant must meet with Planning & Development Department staff before submitting an application. To schedule a pre-submittal meeting, please contact Kevin Calfee at (832) 393-6600 or via email at [Kevin.Calfee@houstontx.gov](mailto:Kevin.Calfee@houstontx.gov).

## **Step 2: Submit a Complete Application**

The complete application package must be mailed or hand-delivered during standard business hours to the Planning & Development Department. If the application is determined to be incomplete, it will be returned with an explanation of what is needed to make it complete.

## **Step 3: Post Notification Signs**

Within 10 days of notification the applicant must post the required signs within the boundary area.

## **Step 4: 30-Day protest Period**

Within 15 days of receiving a complete application, the Planning & Development Department will send notification to property owners within the proposed boundaries, as well as the District Council Member. The notifications will include instructions on how property owners may object to this designation. Any objections must be made in writing within 30 days of the date of the notice.

## **Step 5: Department Review of Protest Responses**

At the end of the thirty days, one of the following actions will occur:

- the application will be sent to the City Council if it has at least 51% support with no protests; or
- the application will be sent to the Planning Commission for a public hearing if:
  - a) it has at least 51% support and has received protests, or
  - b) it has less than 51% support but has received no protests.

A notification letter will be sent to property owners no less than 15 days before the Planning Commission hearing date. Applications recommended for approval by the Commission will be forwarded on to City Council. Applications denied by the Commission will not be forwarded to City Council.

## **Step 6: Attend the Planning Commission Public Hearing (optional)**

Members of the public may present comments at the public hearing. After the public hearing, the Commission shall consider whether to recommend that the City Council establish the designation.

If the Commission decides to recommend that the City Council establish the designation, the Director shall refer the application to the City Council. Should the Commission deny the application, the decision of the Commission shall be final.

## **Step 7: City Council Action (optional)**

City Council will consider all applications that are approved by the Planning Commission. City Council action to approve or deny the designation is final.

Persons wanting to address City Council during the Public Speaking portion of the meeting should contact the City Secretary at (832) 393-1100 or [citysecretary@houstontx.gov](mailto:citysecretary@houstontx.gov).

# Special Minimum Lot Size Block Application

According to

Section 42-197 of Chapter 42 of the Code of Ordinances



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Please complete entire application form.

## 1. Location:

### General Location:

Example: North side of Golden Retriever Drive between Boxer and Schnauzer Streets

### Specific Legal Description

Example: Blocks 15, Lots 1-5, in Cocker Spaniel Subdivision

## 2. Contacts:

Primary

Applicant

Phone #

Address

E-mail

City

State

Zip

Alternate

Applicant

Phone #

Address

E-mail

City

State

Zip

## 3. Project Information (Staff Use Only-Do Not Fill In):

File #

Key Map #

TIRZ

Lambert #

Super N'hood

Census Tract

City Council District

## 4. Submittal Requirements:

**Please Check**

Completed application form (this page)

☐

Petition signed by the applicant (page 4)

☐

Evidence of support from the property owners within the boundary (page 5)

☐

Signed deed restriction statement (page 6)

☐

Copy of deed restrictions, if applicable

☐

Sample of Notification Sign (page 8)

☐

Map or sketch showing the address, land use and size of all lots within boundary area

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Data showing the actual size of each lot

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# Special Minimum Lot Size Block

*Applicant Petition*



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(Date)\_\_\_\_\_

I, *(name of petitioner)*\_\_\_\_\_, owner of property within the proposed boundaries of the Special Minimum Lot Size Block, specifically, *(Block)*\_\_\_\_\_, *(Lot)*\_\_\_\_\_ of *(name of subdivision)*\_\_\_\_\_, do hereby submit this petition as prescribed by the Code of Ordinances, City of Houston, Section 42-197. With this petition and other required information, I request to preserve the character of the existing lot sizes for the following area through the application of and creation of a Special Minimum Lot Size Block.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Example: Blocks 15 - 19, Lots 1-37, in Cocker Spaniel Subdivision

(Signature of petitioner)\_\_\_\_\_

(Printed name of petitioner)\_\_\_\_\_

# Special Minimum Lot Size Block

*Evidence of Support*



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Listed below is evidence by the owners, or their authorized agent, of property within the proposed boundary of the Special Minimum Lot Size Block who support the request to preserve the character of the existing lot sizes for the area that follows through the application and creation of a Special Minimum Lot Size Block.

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Example: Lots 1-37, Block 15, in Cocker Spaniel Subdivision

A Special Minimum Lot Size Block is determined by finding the current lot size that represents a minimum size for at least 70% of the lots in the proposed area (60% in city designated historic districts). The application data identifies lot sizes ranging from \_\_\_\_\_ to \_\_\_\_\_ square feet. (The Planning and Development Department will perform the calculations to determine the Special Minimum Lot Size.

The Special Minimum Lot Size Block (SMLSB) may only be adopted by City Council by passage of an ordinance.

By signing this evidence of support, I hereby represent: (1) that I am the lot owner or the lot owner's authorized agent of the property with respect to which I have affixed my signature, and (2) I support the petition of *(Name of Petitioner)* \_\_\_\_\_ to create a Special Minimum Lot Size Block for *(Block)* \_\_\_\_\_, *(Lot)* \_\_\_\_\_ in *(Name of Subdivision)* \_\_\_\_\_.

<b>Print Name:</b>	<b>Address:</b>	
<b>Signature:</b> X	<b>Date:</b>	<b>Telephone:</b>
<b>Print Name:</b>	<b>Address:</b>	
<b>Signature:</b> X	<b>Date:</b>	<b>Telephone:</b>
<b>Print Name:</b>	<b>Address:</b>	
<b>Signature:</b> X	<b>Date:</b>	<b>Telephone:</b>
<b>Print Name:</b>	<b>Address:</b>	
<b>Signature:</b> X	<b>Date:</b>	<b>Telephone:</b>

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# Special Minimum Lot Size Block

## Deed Restrictions Statement



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I have personal knowledge of the facts set forth in this deed restriction statement, each of which is true and correct.

Initial (1), (2), or (3) as applicable:

1. \_\_\_\_\_ All properties in the proposed Special Minimum Lot Size Block do not have deed restrictions.
2. \_\_\_\_\_ All of the properties have deed restrictions; however, the deed restrictions do not address minimum lot size (attach copy of Deed Restrictions).
3. \_\_\_\_\_ Some, but not all, of the properties have deed restrictions (attach copy of Deed Restrictions).

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*Applicant's Signature*

*Date*

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*Applicant's Printed Name*

*Address*

**DISCLAIMER:** The Planning Department reviewed the deed restrictions you submitted for your subdivision and noted no language addressing a minimum lot size or minimum lot line requirement. As such, revisions to Chapter 42 of the City of Houston Code of Ordinances extending the minimum lot size and minimum building line requirements to neighborhoods within the corporate boundaries of the City of Houston that do not have a minimum lot size or minimum building line established in their deed restrictions are applicable to your subdivision. It's important to understand, however, Planning's review and decision regarding the eligibility of your subdivision to avail itself of the protections set forth in Chapter 42 of the City of Houston Code of Ordinances is based solely on the instruments you have provided and which purport to be the most recent, valid version of your subdivision's deed restrictions. The City of Houston is making no assurances or representations regarding the actual validity of your deed restrictions. You should consult with a private attorney if you have any questions or concerns about your deed restrictions.

# Special Minimum Lot Size Block

Sample Calculation



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<i><b>Lots Ranked By Size</b></i>	<i><b>Address</b></i>	<i><b>Size</b></i>	<i><b>% by Area</b></i>	<i><b>Cumulative % by Area</b></i>
1	1510 Cocker Spaniel	6,500 sf	15.4%	15.4%
2	1502 Cocker Spaniel	6,000 sf	14.3%	29.7%
3	1508 Cocker Spaniel	6,000 sf	14.3%	43.9%
4	1506 Cocker Spaniel	6,000 sf	14.3%	58.2%
5	1504 Cocker Spaniel	5,830 sf	13.8%	72.0%
6	1500 Cocker Spaniel	5,500 sf	13.1%	85.1%
7	1512 Cocker Spaniel	3,270 sf	7.8%	92.9%
8	1514 Cocker Spaniel	3,000 sf	7.1%	100.0%
Total		42,100 sf	100.0%	
<i><b>The fifth largest lot size in this example is 5,830 square feet. This would be the new Special Minimum Lot Size for this blockface.</b></i>				

The City of Houston calculates the special minimum lot size by using the following steps:

- 1) Listing all lot sizes in the application area in descending order;
- 2) Each lot's area (in square feet) is expressed as a percentage of the total area of all lots in the application area;
- 3) A cumulative total is kept; and
- 4) The first lot that represents a cumulative total of at least 70 percent (60 percent for applications in City of Houston designated historic districts), becomes the proposed special minimum lot size.

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## Special Minimum Lot Size Block

*Sample Notification Sign*



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The applicant is responsible for obtaining and posting (2) signs on each blockface within the boundary of the proposed Special Minimum Lot Size Block within ten (10) days of an initially completed application. The Planning and Development Department will inform the applicant of an initially completed application to post signs (see Sample Notification Sign below). The signs (minimum size: 2' x 3') shall be placed within **fifteen feet from each right-of-way** (R-O-W) bordering the area. Each sign shall face the R-O-W with print large enough to be legible from the R-O-W. The applicant is responsible for contacting Planning Staff once the signs are in place. The applicant shall use reasonable efforts to maintain the signs to the end of the process.



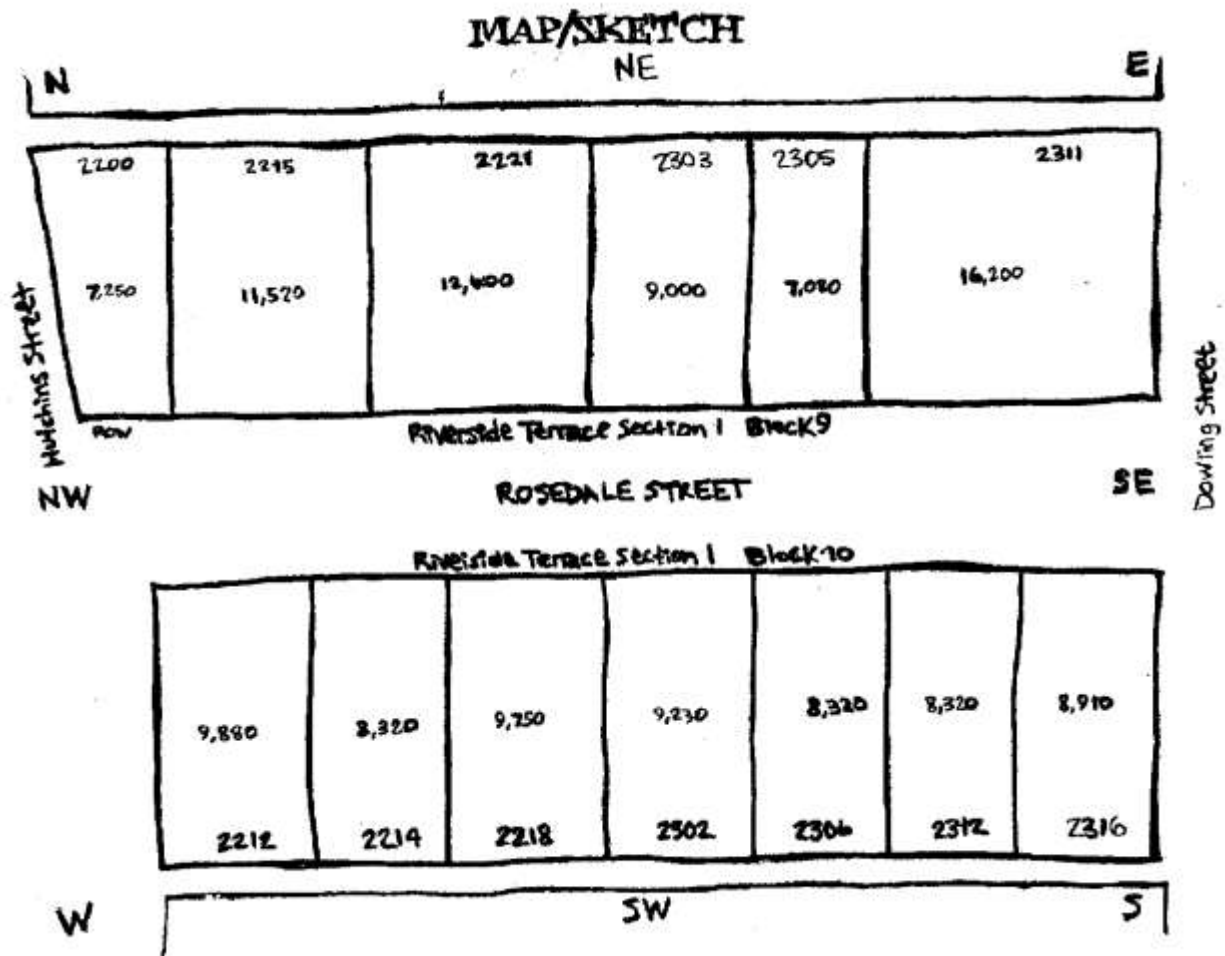


# Special Minimum Lot Size Block

Sample Map Sketch



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The map/sketch should look similar to the drawing shown above. Please provide the address and land use for all lots within the proposed Special Minimum Lot Size Block.

Information for each lot within the proposed Special Minimum Lot Size Block shall be shown on the drawing that includes the square footage of each lot, as well as each lot's physical address number. If there is not enough room to include all the blockfaces and information, additional MAP/SKETCH sheets may be added to the application.